

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

**STIPULATED ORDER AUTHORIZING THE
DEPOSITION OF FEDERAL PRISONER ANNETTE BONGIORNO**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff, and defendants Stanley Shapiro, S&R Investment Co., LAD Trust, David Shapiro, David Shapiro 1989 Trust, Leslie Shapiro Citron, Leslie Shapiro 1985 Trust, and Kenneth Citron (collectively, “Defendants,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate as follows:

WHEREAS, on September 19, 2018, the Trustee filed a Motion for an Order Authorizing the Deposition of Federal Prisoner Annette Bongiorno (the “Motion”) pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), applicable to this proceeding under Rule 7030 of the Federal Rules of Bankruptcy Procedure (ECF Nos. 115–117);

WHEREAS, on September 26, 2018, Defendants advised this Court, on the record during a hearing on another matter in this proceeding, that Defendants join in the Motion; and

WHEREAS, the Parties having met and conferred;

IT IS HEREBY STIPULATED by the Parties and **SO ORDERED** by the Court as follows:

1. Ms. Bongiorno’s deposition is authorized and shall be completed prior to January 31, 2019;
2. Counsel from the following law firms may attend the deposition of Ms. Bongiorno: (i) Baker & Hostetler LLP, as counsel for the Trustee (the “Trustee’s Counsel”); (ii) Lax & Neville LLP, as counsel for Defendants (“Defendants’ Counsel”); and (iii) Sercarz & Riopelle, LLP, as counsel for Annette Bongiorno (“Bongiorno’s Counsel,” and together with Trustee’s Counsel and Defendants’ Counsel, the “Authorized Counsel”); no other appearances are authorized;
3. The Authorized Counsel shall meet and confer regarding the timing of when Ms. Bongiorno is to be deposed, shall identify several dates when all Authorized Counsel are available to attend her deposition (the “Available Dates”), and shall provide the list of Available Dates to the warden (the “Warden”) of the Federal Correctional Institution, Coleman Medium (the “Facility”) in Sumterville, Florida.

4. The Warden is hereby directed to produce Annette Bongiorno, a prisoner with Federal Bureau of Prisons Register # 96064-004, at the Warden's office or elsewhere within the Facility for a total of ten (10) hours of deposition testimony on the record on dates chosen by the Warden in his or her discretion among the Available Dates; in accordance with Federal Rule of Civil Procedure 30(b), the deposition will be taken before a notary public or other person duly authorized by law to administer oaths and will be recorded by video and/or stenographically;

5. The Trustee's Counsel shall have the opportunity to commence Ms. Bongiorno's examination at deposition, Defendants' Counsel shall then have the opportunity to examine Ms. Bongiorno, and the Trustee's Counsel and Defendants' Counsel then will have the opportunity respectively to conduct any additional re-direct or re-cross examinations as they deem necessary; the Trustee's counsel shall be permitted to examine Ms. Bongiorno for a total of five (5) hours, and Defendants' Counsel shall be permitted to examine Ms. Bongiorno for a total of five (5) hours; no further questioning is authorized without written leave of court;

6. This Court shall retain exclusive jurisdiction over the enforcement, implementation, and interpretation of this Order, including, but not limited to, imposing sanctions in its discretion on any person or entity that violates any provision of this Order.

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Dated: October 2, 2018
New York, New York

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Dated: **October 2nd, 2018**
New York, New York

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/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE